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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Trinidad and Tobago

1. The Committee considered the initial report of Trinidad and Tobago (CRC/C/11/Add.10) at its 414th to 416th meetings (see CRC/C/SR.414-416), held on 2 and 3 October 1997, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its initial report, which followed the guidelines set by the Committee, and written answers to the list of issues (CRC/C/Q/TRI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions as well as difficulties encountered with regard to the implementation of the provisions of the Convention. The Committee, however, notes with regret that the report and the written answers did not provide statistical and disaggregated data.

B. Positive aspects

3. The Committee welcomes the State party's proposal to incorporate the National Plan of Action on Children (NPA) in the general development framework of the country.

4. The Committee notes with satisfaction the establishment of the Inter-Ministerial Committee to implement the NPA, as well as the National Family Services Division within the Ministry of Consumer Affairs and Social Services to monitor children at risk.

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* At the 426th meeting, held on 10 October 1997.

5. The Committee notes with satisfaction the low levels of child mortality and under-five mortality rates, as well as the positive indicators in the field of education.

6. The Committee welcomes the willingness of the State party to collaborate with non-governmental organizations and is encouraged by the subsidies that the State party grants to various national non-governmental organizations working towards the promotion and protection of children's rights within its territory.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee recognizes that severe economic constraints, due in particular to structural adjustment programmes, social difficulties and poverty, have had a negative impact on the situation of children. The Committee notes that the State party has gone through an economic recession in the last few years, which resulted in an acute increase in unemployment.

D. Principal subjects of concern

8. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention. While noting that the State party identified a number of areas in legislation that need to be reformed to bring them into conformity with the principles and provisions of the Convention, the Committee is concerned that the measures adopted to harmonize national legislation with the principles and provisions of the Convention are insufficient. It also regrets that a number of legal provisions contrary to the Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage.

9. The Committee regrets that coordination among the bodies promoting and protecting the rights of the child is inadequate and that a comprehensive approach to the implementation of the Convention is lacking. The Committee also regrets that these bodies lack the institutional capacity, skills and financial resources to carry out their mandates.

10. The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of disaggregated data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or economic exploitation, girl children, children of single-parent families, children born out of wedlock, abandoned children, institutionalized and disabled children, children living and/or working in the streets and children involved with the juvenile justice system.

11. The Committee is concerned that the measures and programmes to ensure the implementation of children's economic, social and cultural rights to the

maximum extent of available resources are inadequate. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

12. The Committee expresses its concern at the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law.

13. The Committee notes with concern that measures taken to ensure that the provisions and principles of the Convention are made widely known to adults and children alike, in accordance with article 42 of the Convention, are insufficient. Moreover, insufficient attention has been paid to the training of all professional groups working with or for children such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officers, officials of the central and local administrations, health professionals, teachers, social workers, and personnel working in child-care and detention institutions.

14. The Committee is concerned that the State party has not yet taken fully into account in its legislation and policies the general principles of the Convention, in particular the principles of non-discrimination (art. 2), best interests of the child (art. 3), and respect for the views of the child (art. 12).

15. In the light of article 17 of the Convention, the Committee notes with concern that no adequate efforts exist to protect children from being exposed to harmful information, including violence, especially on television.

16. While noting the efforts undertaken by the State party, such as the enactment of the 1991 Domestic Violence Act as well as the establishment in 1997 of a multi-disciplinary committee to review national legislation related to domestic violence in order to strengthen the protection of the victims, the Committee is concerned about the insufficient awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and at the lack of appropriate measures and mechanisms to prevent and combat them. The lack of special structures for children victims of such abuses is also a matter of concern.

17. The Committee is deeply concerned by the use of corporal punishment within the family, at school and in care institutions, as well as at the absence of a law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children.

18. The Committee is concerned at the lack of qualified staff working in the care institutions. While taking note of the recent measures taken to improve the monitoring of care institutions, the Committee remains concerned about the persistence of reported cases of abuse.

19. The Committee is concerned at the high maternal mortality rate. The Committee is also concerned at the spread of HIV/AIDS and its impact on children, as well as at the insufficiency of measures to prevent early pregnancy.

20. While recognizing the efforts of the State party in the field of education, the Committee is concerned at the shortage of trained teachers and at the high pupil-teacher ratio.

21. The Committee is concerned about the new phenomena of homelessness and children living and/or working in the streets. While noting the efforts by the State party to provide services for these children, including the opening of a special home and the provision of education, the Committee remains concerned that this is not adequate to reach all children living and/or working in the streets.

22. The Committee is concerned by the increase in the economic exploitation of children, in particular those who work as street vendors. The Committee notes that the value attached by the community to education is a positive factor that helps to reduce the incidence of child labour. The Committee is also concerned at the low minimum age of access to employment, set at 12.

23. The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the low minimum age of criminal responsibility. The Committee is also concerned that there are no requirements to present juveniles before a court in a speedy manner, and that flogging is allowed by the law as a means of punishment and corporal punishment is allowed as a means of discipline in detention centres. The Committee is also concerned that prison facilities are overcrowded, resulting in difficult living conditions for juvenile offenders, and that juvenile offenders do not always have access to education. The lack of facilities for girl juvenile offenders, which result in girls being detained with adult female offenders, is an additional source of concern to the Committee.

E. Suggestions and recommendations

24. The Committee recommends that, in the context of the legal reform being undertaken by the State party in the field of children's rights, national legislation be harmonized and made fully compatible with the provisions and principles of the Convention. Such reform should in particular address the areas of administration of justice, as well as the minimum ages for marriage, access to employment and criminal responsibility. The Committee further encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. The Committee also recommends that awareness-raising programmes on children's rights be conducted for members of Parliament to assist them in incorporating the principles and provisions of the Convention on the Rights of the Child in the legislative reform.

25. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of

the Convention in the country. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

26. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society; the State party may wish to request technical assistance in this regard.

27. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principle of the best interests of the child.

28. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and children, in particular in the rural areas. Further, systematic training and in-service training programmes on the rights of the child should be organized for professional groups working with and for children, such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations, and personnel of child-care and detention institutions.

29. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

30. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in audio-visual media such as television.

31. In the light of article 19 of the Convention, the Committee recommends that the State party further strengthen its efforts to prevent and combat ill-treatment and sexual abuse of children, within and outside the family. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence, to improve the understanding of the nature and the scope of the problem, and strengthen social programmes to prevent all types of child abuse and to rehabilitate the child victims. Law enforcement should be strengthened against perpetrators of abuse, including sexual abuse; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as the establishment of a family court.

32. In light of articles 3, 19 and 28 2, the Committee strongly recommends that corporal punishment within the family, at school and in care institutions be prohibited by law. It further recommends that the authorities develop and

implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child, as well as establish sensitization programmes for parents.

33. While noting the current efforts of the State party to revise its legislation on adoption, the Committee recommends that this legislation be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

34. The Committee recommends that the State party strengthen its efforts to monitor efficiently the institutions of alternative care and develop appropriate training for the staff of these institutions.

35. The Committee recommends that the State party adopt further measures to raise awareness on pre-natal services for women. The Committee suggests that the State party further promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS. Furthermore, the Committee recommends that the State party develop measures to better include children with disabilities in society.

36. In the area of education, the Committee suggests that further steps be taken to ensure the full implementation of articles 28 and 29 of the Convention. The Committee recommends that greater efforts be directed to training teachers and improving the school environment. The State party may wish to consider requesting further international assistance in this area.

37. The Committee recommends that research be undertaken on the phenomenon of the children living and/or working in the streets. The Committee also recommends an increase in the number of outreach programmes providing services to these children, including education, and that such services be provided in the different parts of the country.

38. The Committee recommends that research be conducted to determine the extent of the problem of child economic exploitation and its causes. The Committee regards this to be essential in helping to determine future policies in that regard. The Committee welcomes the fact that an interministerial committee is looking into the possibility of ratifying ILO Convention No. 138 concerning the minimum age for admission to employment, and the Committee encourages the State party to ratify it. While noting the efforts by the State party in poverty alleviation, the Committee encourages the State party to further increase its poverty alleviation programmes and schemes, and to further strengthen its social welfare system.

39. The Committee recommends that legal reform in the field of the administration of juvenile justice be pursued, taking fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In particular, the Committee recommends that the minimum age of criminal responsibility be raised. The Committee also recommends that the State party provide alternatives to detention, as well as

special facilities for girl child offenders. The Committee also recommends that corporal punishment in detention as a means of discipline, and flogging as a means of punishment, be abolished in the legislation and in practice.

40. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and the written replies presented by the State party be made widely available to the public at large and that these documents be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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